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PATENT

Serial No. 09/532,402

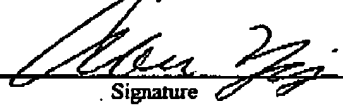
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. A. Kepler et al.
Serial No. : 09/532,402 Group Art Unit: 2172
Filed : March 22, 2000 Examiner : A. Ly
Title : Method and System for Searching, Accessing and Updating Databases

Original
7/31/03

**REQUEST FOR RECONSIDERATION AND
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on February 28, 2003.

Alex L. Yip
Attorney Name

Signature

34,759
Registration No.

February 28, 2003
Date of Signature

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants submit herewith a Third Supplemental Information Disclosure Statement in the above-identified patent application. In addition, in response to the Office Action dated December 2, 2002, applicants submit this Request for Reconsideration as follows:

I. Third Supplemental Information Disclosure Statement

Applicants submit herewith a Third Supplemental Information Disclosure Statement (IDS) by Applicant (1 page), listing an additional reference which is or may be material to the examination of the subject application. A copy of the listed reference is enclosed. It is respectfully requested that the reference be made of record in the file history of the application.

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Identification of the listed reference in the IDS is not to be construed as an admission by applicants or attorneys for applicants that such reference is available as "prior art" against the subject application. The right is reserved to antedate any listed reference in accordance with standard procedures. The required fee of \$180 pursuant to 37 CFR 1.17(p) is also enclosed.

II. Rejection of Claims 1- 3, 5-8 and 10- 35 Under 35 U.S.C. §103

Claims 1-3, 5-8 and 10-35 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,374,241 issued to Lamburt et al.

An aspect of the invention, represented by claims 1 and 7, is directed to a technique for on-the-fly updating of search output that is responsive to a query. This is accomplished by comparing responsive database records from databases with a responsive update record from an update database associated with such databases. In instances where there are more than one responsive database records that correspond to (*e.g.*, records that are the same or substantially the same as) the update record, the database records are excluded from the search output when the update record includes a predefined setting (*e.g.*, a delete setting). Because the claimed invention excludes records based on a setting in the update record, circumstances in which the user receives extraneous query output can be effectively controlled.

Excluding one or more selected records from the responsive records effectuates the update, or deletion, of one or more records that are responsive to a query. Records that are stored in the searchable databases, however, are not updated or deleted. The inventive technique therefore enables responsive records to be updated, or excluded, on-the-fly based upon the parameters of the search request and the update database data.

Responsive records of a search output are updated or excluded, without having the same effect on the records that are stored in the searchable databases, as the searchable databases are not modified, although they are searched – *i.e.*, "searching at least one database for database records responsive to the search" and "searching an update database associated with the at least one database." The method and system of claims 1 and 7 then "includ[e]" and "except"

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responsive records from the “search output,” not the searchable databases. Thus, search records of a search output (not records of the searchable databases) are updated or deleted.

Lamburt discloses data integration and updating techniques in a computer system. (Abstract, col. 1, lines 4-7; col. 37, line 38 - col. 47, line 67). More particularly, Lamburt, unlike the claimed invention, discloses methods for *updating searchable databases*, wherein the updates come from three different sources – (1) on-line updates from users, (2) foreign source updates (i.e., update records which come from a different data source other than original existing database), and (3) native source updates (i.e., an updated version of the existing database having the same source as the existing database). (Col. 37, lines 38-63). In addition, Lamburt does not teach or suggest “searching at least one database for database records responsive to the search”, “searching an update database associated with the at least one database” and excluding one or more database records that are responsive to a query “from a search output” when an indication is made in the update record corresponding to the one or more database records, as claims 1 and 7 recite. At best, Lamburt teaches integrating update data with searchable databases (e.g., working database 1508) and then searching such databases for updating. (See, e.g., Fig. 45, col. 37, line 64 - col. 38, line 27).

The Examiner postulated that Lamburt, at col. 5, lines 18-24, col. 39, lines 60-67, col. 40, lines 1-15, col. 42, lines 50-58, col. 44, lines 15-30 and 58-63 and Fig. 53, discloses such searching, including and excluding. However, this postulation by the Examiner is incorrect. Lamburt, at col. 37, line 38–col. 47, line 67 (and Figs. 45-58 referenced therein), relates to effectuating the above-identified data integration techniques – i.e., updating databases with (1) on-line updates, (2) foreign source updates and (3) native source updates. These integration techniques entail updating and excluding records from a database to be searched. (See, e.g., col. 37, lines 38-63, col. 38, lines 5-27, col. 39, lines 45-59, col. 43, lines 48–col. 45, line 17). Thus, Lamburt actually teaches away from the claimed invention by providing for “data updates included in the database [which] come from three different sources” (col. 37, lines 40-41), as opposed to “searching at least one database for database records responsive to the search”,

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“searching an update database associated with the at least one database” and then “except[ing] one or more of the database records” from “the search output” as claims 1 and 7 recite.

In addition, contrary to the Examiner’s assertions (at page 5 of the December 2, 2002 Office Action re claim 7), Lamburt, at col. 16, lines 7-24 and col. 33, lines 12-47, fails to disclose, teach or suggest a sorter for “except[ing] one or more of the database records which correspond to [an] update record” from “the search output” as neither these portions of Lamburt nor any other portion of Lamburt relate to using update records for excepting records from a search output.

Accordingly, independent claims 1 and 7, together with their dependent claims, are patentable over Lamburt.

Another aspect of the invention, represented by claims 12, 20 and 29, is directed to a technique for routing search requests. The technique includes searching a routing database to determine whether a search request should be routed to databases accessible by the receiving server. If it is determined that the search request should be routed to one or more of such databases, the search request is routed to the databases to effectuate the user’s search. Search results are then returned to the user.

Lamburt discloses a system and methods for supporting a high volume of searches, which may be performed for example, through the Internet. (Col. 18, line 14-18). Although Lamburt further discloses multiple server nodes that are configured for responding to search requests, each of these nodes are “fully redundant” and each node can respond to “any search request.” (Abstract, Col. 18, line 29-31). Lamburt then explains that: “The nodes agree to a disjoint partitioning of requests to each of the server nodes in which one server node will service a set of classes of requests that no other node will generally service.” (Col. 18, lines 36-39). Lamburt also explains that: “The request router subsequently uses the load file and the configuration file to decide which server node 808-810 a request is routed to based on the load and the availability of the server node, and the designated server for each partition or domain.” (Col. 7, lines 24-28; see also, col. 10, line 66-col. 11, line 29). Thus, Lamburt discloses a technique in which a query is directed to one of a number of “server nodes,” all of which have

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the capability of handling the query, based on the class of the query and the load and availability of the server nodes.

Nowhere does Lamburt disclose, teach or suggest using a search request for "searching a routing databasc" to determine whether the search request should be routed to one or more "databases" accessible by the receiving server as claim 12 recites. In fact, because Lamburt is directed to identifying which "server node" should handle a search request, Lamburt teaches away from the claimed invention which routes the search request to a "search routing database" for determining which "database" of the receiving server should be searched. Independent claims 20 and 29 similarly recite routing the search request to identified database(s) (not to an identified node among a plurality of identical nodes): claim 20 recites "routing the search request to the one or more databascs accessible by the receiving server if it is determined that the search request should be routed to the one or more databases accessible by the receiving server", and claim 29 recites "if the search of the routing databasc is successful, routing the search request to a database identified by the routing database".

Accordingly, independent claims 12, 20 and 29, together with their dependent claims, are patentable over Lamburt.

In view of the foregoing, each of claims 1-3, 5-8, and 10-35 is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

Michael A. Kepler
Christopher A. Huey
Runping Qi
Christopher A. Wake

Dated: February 28, 2003

By: 

Alex L. Yip, Attorney
Registration No. 34,759
212-836-7363

Original

POSTCARD (To Be Filed With A Response)

Attorney Docket No. 41698-1021

PATENT APPLICATION FOR:

Method and System for Searching, Accessing and Updating

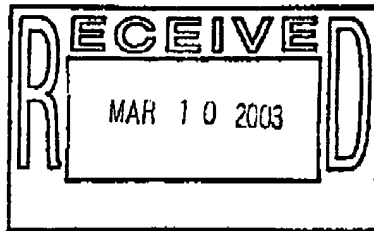
INVENTORS: J. M. Kasper et al. Databases

SERIAL NO. 09/532,402 3/22/00 FILING DATE DATE MAILED: 2/28/03

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☐ Power of Attorney MAR 05 2003 ☐ Small Entry Declaration
☐ Assignment + Fee ☐ Recording Transmittal
☐ Information Disclosure Statement ☐ Form PTO 1449 with ☐ References
☐ Request for Corrected Filing Receipt
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☐ Petition \$ Fee \$
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☒ OTHER Request for Reconsideration and Third Supplemental
IDS



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NOTE:

IMMEDIATE ATTENTION REQUIRED

Re: Serial No. 09/532,402

Dear Examiner Ly:

As requested, we attach a true copy of a Response to the Office Action dated December 2, 2002, along with a copy of the return postcard acknowledging receipt by the PTO of the Response on March 5, 2003.

Alex L. Yip
Reg. No. 34,759

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